

**UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT**

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No: 08-3416

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United States of America,

Plaintiff - Appellant

v.

David Anthony Downing,

Defendant - Appellee

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Appeal from U.S. District Court for the Northern District of Iowa, Waterloo  
(6:07-cr-02012-MWB-5)

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**JUDGMENT**

Appellant's motion to dismiss the appeal is granted. The appeal is hereby dismissed in accordance with the [Federal Rules of Appellate Procedure](#) 42(b).

The Court's mandate shall issue forthwith.

November 14, 2008

Order Entered Under Rule 27B(a):  
Clerk, U.S. Court of Appeals, Eighth Circuit.

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/s/ Michael E. Gans